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Counsel for Appellant

IN THE SUPREME COURT FOR THE STATE OF ALASKA

LANCE PRUITT,

Appellant,

v.

LT. GOVERNOR KEVIN MEYER, in his  
official capacity as Lt. Governor for the  
State of Alaska, and GAIL FENUMIAI, in  
her official capacity as Director of the  
Division of Elections,

Appellees.

ELIZABETH A. HODGES SNYDER,

Intervenor.

Supreme Court No. S-17951  
(Consolidated)

Superior Court No. 3AN-20-09661 CI

5-17971

**STATEMENT OF POINTS ON APPEAL**

COMES NOW Appellant Lance Pruitt, by and through his attorneys, Holmes, Weddle & Barcott, P.C., and hereby provide the following statement of points on appeal pursuant to Alaska R. App. P. 204(e):

1. The Superior Court erred in granting the motions to dismiss Count II of the complaint.
2. The Superior Court erred in finding that the Division of Elections changed the location of the polling place for Precinct 27-915 six days before the 2020 General Election due to the COVID-19 pandemic.

3. The Superior Court erred in disregarding and failing to consider the 65-day delay between when the Division of Elections: (a) was notified about the issue with Precinct 27-915's ordinary polling location at Wayland Baptist, and (b) confirmed a new polling location for the 2020 General Election.
4. The Superior Court erred in finding that some of the notice requirements under AS 15.10.090 were not feasible, as the Court failed to acknowledge the dilatory conduct of the Division of Elections in securing the polling location.
5. The Superior Court erred in relying on prior election results to discount certain expert testimony, particularly because the Court acknowledged and accepted other expert testimony that moving polling places generally lowers turnout.
6. The Superior Court erred in relying on the testimony of Ralph Townsend, PhD, as he has no election or political experience, and he had not reviewed any of the underlying factual material.
7. The Superior Court erred in finding, based on inference alone, that the means the Division of Elections employed to notify voters of the polling location change may have been as effective as other possible means available.
8. The Superior Court erred in finding that Mary Jo Cuniff was prevented from voting, particularly in its reliance on approximate times provided.
9. The Superior Court erred in finding that no voter was prevented from voting due to the lack of notice required by statute.

10. The Superior Court erred in finding that the Division of Elections, including the Director and Region II Supervisor, acted in good faith in attempting to notify voters about the change to the 27-915 polling location.
11. The Superior Court erred in failing to find a significant deviation from statutorily-prescribed norms with regard to the Division of Elections' lack of compliance with AS 15.10.090, particularly because the court failed to consider the requirements that could have been met had the Division acted prudently and in good faith.
12. The Superior Court erred in finding that the Division of Elections' deviation from AS 15.10.090's notice requirements was not done knowingly or with reckless disregard of the statutory requirements.
13. The Superior Court erred in failing to find that the Division of Elections engaged in malconduct sufficient to change the results of the election.

DATED this 30<sup>th</sup> day of December, 2020, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.  
Counsel for Appellant

By: 

 Stacey C. Stone

Alaska Bar No. 1005030

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 30<sup>th</sup> day of December, 2020, a true and correct copy of the foregoing document, printed in Times New Roman typeface 13 point, was served via Email to:

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STATE OF ALASKA  
APPELLATE COURTS

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Counsel for Appellant

CLERK APPELLATE COURT

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DEPUTY CLERK

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### NOTICE OF APPEAL

COMES NOW Appellant Lance Pruitt, by and through his attorneys, Holmes, Weddle & Barcott, P.C., and hereby give notice of his appeal to the Alaska Supreme Court pursuant to Alaska R. App. 204(b).

DATED this 30<sup>th</sup> day of December, 2020, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.  
Counsel for Appellant

By:   
Stacey C. Stone

Alaska Bar No. 1005030

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The undersigned certifies that on this 30<sup>th</sup> day of December, 2020, a true and correct copy of the foregoing document, printed in Times New Roman typeface 13 point, was served via Email to:

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By: *s/ Shaunalee Nichols*  
Legal Assistant  
Holmes Weddle & Barcott, P.C.